



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0069

Introduced 1/31/2007, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

| | |
|------------------------|----------------------------|
| 815 ILCS 325/Act title | |
| 815 ILCS 325/1 | from Ch. 121 1/2, par. 321 |
| 815 ILCS 325/2 | from Ch. 121 1/2, par. 322 |
| 815 ILCS 325/3 | from Ch. 121 1/2, par. 323 |
| 815 ILCS 325/4.5 new | |
| 815 ILCS 325/5 | from Ch. 121 1/2, par. 325 |
| 815 ILCS 325/7 | from Ch. 121 1/2, par. 327 |
| 815 ILCS 325/8 | from Ch. 121 1/2, par. 328 |

Amends the Copper Purchase Registration Law. Changes the short title to the Recyclable Metal Purchase Registration Law. Provides that, for each purchase of recyclable metal, a recyclable metal dealer must enter specified information on a form provided by the Department of State Police. Requires the recyclable metal dealer to: copy the seller's drivers license or state-issued identification card; photograph the items of recyclable metal purchased; and photograph the license plate and the side of the vehicle or conveyance on which the recyclable metal was delivered or use a security camera to record the license plate and the side of the vehicle or conveyance. Provides that security camera recordings must be retained for 90 days. Provides for reporting to local law enforcement and changes provisions exempting certain municipalities that provide for the registration of recyclable metal. Provides that violation of the Act is a Class A misdemeanor for a second offense and a Class 4 felony for a third or subsequent offense.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Copper Purchase Registration Law is amended
5 by changing the title of the Act and Sections 1, 2, 3, 5, 7, 8,
6 and by adding Section 4.5 as follows:

7 (815 ILCS 325/Act title)

8 An Act to require the registration of the purchase of
9 recyclable metal ~~copper~~ as herein defined, and providing a
10 penalty for the violation thereof.

11 (815 ILCS 325/1) (from Ch. 121 1/2, par. 321)

12 Sec. 1. Short title. This Act ~~is known and~~ may be cited as
13 the Recyclable Metal ~~Copper~~ Purchase Registration Law.

14 (Source: P.A. 76-1476.)

15 (815 ILCS 325/2) (from Ch. 121 1/2, par. 322)

16 Sec. 2. Definitions. When used in this Act:

17 ~~"Copper" means any copper, copper alloy or brass bars,~~
18 ~~cable, ingots, rods, tubing, wire, wire scraps, clamps,~~
19 ~~connectors or other appurtenances utilized or that can be~~
20 ~~utilized by common carriers or by persons, firms, corporations~~
21 ~~or municipal corporations engaged in either the generation,~~

1 ~~transmission or distribution of electric energy or in~~
2 ~~telephone, telegraph or other communications;~~

3 "Recyclable metal" means any metal purchased by a
4 recyclable metal dealer, irrespective of form or quantity,
5 except that "recyclable metal" does not include: (i) items
6 designed to contain, or to be used in the preparation of,
7 beverages or food for human consumption; (ii) discarded items
8 of non-commercial or household waste; or (iii) gold, silver,
9 platinum, and other precious metals used in jewelry.

10 "Recyclable metal ~~Copper~~ dealer" means any individual,
11 firm, corporation, or partnership engaged in the business of
12 purchasing and reselling recyclable metal ~~copper~~ either at a
13 permanently established place of business or in connection with
14 a business of an itinerant nature, including junk shops, junk
15 yards, junk stores, auto wreckers, scrap metal dealers or
16 processors, salvage yards, collectors of or dealers in junk,
17 and junk carts or trucks.

18 (Source: P.A. 76-1476.)

19 (815 ILCS 325/3) (from Ch. 121 1/2, par. 323)

20 Sec. 3. Records of purchases. Except as provided in Section
21 5 of this Act, every recyclable metal ~~copper~~ dealer in this
22 State shall enter on forms provided by the Department of State
23 Police, or such department as may succeed to its functions, for
24 each purchase of recyclable metal ~~copper~~ ~~consisting of 50~~
25 ~~pounds or more~~ the following information:

1 1. The name and address of the recyclable metal ~~copper~~
2 dealer.†

3 2. The date and place of each purchase.†

4 3. The name and address of the person or persons from
5 whom the recyclable metal ~~copper~~ was purchased, together
6 with a legible photocopy of the drivers license or other
7 state-issued identification card for each such person.†

8 4. The motor vehicle license number, state of issuance
9 of the motor vehicle license number, and one or more
10 photographs showing the license plate and the side of the
11 vehicle or conveyance on which the recyclable metal ~~copper~~
12 was delivered to the recyclable metal ~~copper~~ dealer. The
13 requirement of one or more photographs showing the license
14 plate and the side of the vehicle or conveyance on which
15 the recyclable metal was delivered to the recyclable metal
16 dealer is deemed to have been met if the recyclable metal
17 dealer uses a security camera that records both the license
18 plate and the side view of the vehicle or conveyance on
19 which the recyclable metal was delivered.†

20 5. A description of the recyclable metal ~~copper~~
21 purchased, including the weight and whether it consists of
22 bars, cable, ingots, rods, tubing, wire, wire scraps,
23 clamps, connectors, ~~or~~ other appurtenances, or some
24 combination thereof, together with one or more photographs
25 clearly identifying the individual items purchased.

26 A copy of the completed form shall be kept in a separate

1 book or register by the recyclable metal ~~copper~~ dealer and
2 shall be retained for a period of 2 years. If a security camera
3 is used to comply with paragraph 4, the security camera
4 recordings shall be retained for a period of 90 days. Such book
5 or register and security camera recordings shall be made
6 available for inspection by any law enforcement official or the
7 representatives of common carriers and persons, firms,
8 corporations, or municipal corporations engaged in either the
9 generation, transmission, or distribution of electric energy
10 or engaged in telephone, telegraph, or other communications, at
11 any time.

12 (Source: P.A. 94-181, eff. 1-1-06.)

13 (815 ILCS 325/4.5 new)

14 Sec. 4.5. Daily report.

15 (a) Except as provided in subsection (b) of this Section,
16 it shall be the duty of every recyclable metal dealer to make
17 out and deliver to the sheriff of the county in which the
18 recyclable metal dealer does business, on each day before the
19 hour of 12 o'clock noon, a legible and exact copy from the
20 record book or register, as required in Section 3 of this Act,
21 that lists all recyclable metal purchased during the preceding
22 day, including all of the information listed on the record of
23 purchase form for each purchase; provided, that in a
24 municipality that has an ordinance requiring the reporting of
25 recyclable metals, a copy of the report shall at the same time

1 also be delivered to the superintendent of police or the chief
2 police officer of the municipality. The report may be made by
3 computer printout or input memory device if the format has been
4 approved by the local law enforcement agency.

5 (b) In a county with more than 3,000,000 inhabitants, a
6 recyclable metal dealer must provide the daily report to the
7 sheriff only if the recyclable metal dealer is located in an
8 unincorporated area of the county. Recyclable metal dealers
9 located in a municipality in such counties must deliver the
10 reports to the superintendent of police or the chief police
11 officer of the municipality.

12 (815 ILCS 325/5) (from Ch. 121 1/2, par. 325)

13 Sec. 5. Exemptions. The provisions of Section 3 of this Act
14 do not apply to electrical contractors, to agencies or
15 instrumentalities of the State of Illinois or of the United
16 States, to common carriers, or to purchases from persons,
17 firms, or corporations regularly engaged in the business of
18 manufacturing recyclable metal copper, in the business of
19 selling recyclable metal copper at retail or wholesale, or in
20 the business of razing, demolishing, destroying, or removing
21 buildings, to the purchase by ~~of~~ one recyclable metal copper
22 dealer from another, or the purchase from persons, firms, or
23 corporations engaged in either the generation, transmission, or
24 or distribution of electric energy or in telephone, telegraph, or
25 and other communications if such common carriers, persons,

1 firms, or corporations at the time of the purchase provide the
2 recyclable metal copper dealer with a bill of sale or other
3 written evidence of title to the recyclable metal copper.

4 (Source: P.A. 94-181, eff. 1-1-06.)

5 (815 ILCS 325/7) (from Ch. 121 1/2, par. 327)

6 Sec. 7. Inapplicability. This Act does ~~shall~~ not apply in
7 any municipality that ~~which~~ provides for the registration of
8 recyclable metal copper purchased by resolution, ordinance, or
9 regulation that ~~which~~ substantially complies with the
10 substantive provisions of this Act or any rule or regulation
11 hereunder with the exception of the penalty provisions. The
12 fact of such nonapplication shall be evidenced by a certificate
13 of exemption issued by the Department of State Police or such
14 department as may succeed to its functions, if it finds that a
15 municipal resolution, ordinance, or regulation meeting such
16 requirements is being enforced. The ~~Such~~ certificate of
17 exemption shall be available for inspection in the office of
18 the municipal clerk. This Act does not apply in municipalities
19 with populations of 1,000,000 or over.

20 (Source: P.A. 84-25.)

21 (815 ILCS 325/8) (from Ch. 121 1/2, par. 328)

22 Sec. 8. Penalty. Any recyclable metal copper dealer who
23 knowingly fails to comply with this Act is guilty of a Class B
24 misdemeanor for the first offense, a Class A misdemeanor for

1 the second offense, and a Class 4 felony for the third or
2 subsequent offense. Each day that any recyclable metal ~~copper~~
3 dealer so fails to comply shall constitute a separate offense.
4 (Source: P.A. 77-2262.)